

REMARKS

This response is filed with a request for continued examination.

Applicants have reviewed the Final Office Action mailed December 29, 2005, and an Advisory Action mailed February 28, 2006.

Claims 1, 3, 5, 7-15, and 36 were pending at the time of the Final Office Action, with claims 2, 4, and 6 having previously been canceled and claims 16-35 having previously been withdrawn.

Claims 1, 5, and 13 are amended.

Claims 7, 12, 14, and 15 are canceled, rendering moot rejections directed to these claims.

Thus, claims 1, 3, 5, 8-11, 13 and 36 are pending.

Applicants and applicants' attorney wish to express their gratitude to the Examiner for taking the time in the Advisory Action to describe another reference that the Examiner considers to be pertinent to the further examination of this application, and thus having the opportunity to respond to that reference.

REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1, 3, 5, 8, 9, 11, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,905,389 to Lanning (hereinafter, "Lanning"). The Final Office Action states that Lanning inherently includes a sink and that each lavatory, which is considered to constitute a stall unit for the purpose of this action, is outfitted with a sink and commode. Applicants respectfully traverse this rejection.

Independent claims 1, 5, and 13 each distinguish over Lanning because each recites a sink positioned in a manner neither taught nor suggested by

1 Lanning. For example, claim 1, in pertinent part, recites “at least one sink is
2 mounted to an external side of the stall unit wall, wherein the external side of the
3 stall unit wall is adjacent to a surrounding portion of the cabin.” Similarly, claim
4 5 recites “at least one sink is mounted to an external side of a stall unit wall
5 separating at least one of the male lavatory facility and the female lavatory facility
6 from a remainder of the cabin, and the external side of the stall unit wall is
7 adjacent to a surrounding portion of the cabin.” Claim 13 also recites “at least one
8 sink located externally to the male lavatory facility and the female lavatory
9 facility.”

10 Respectfully, Lanning does not show a sink that is mounted on an external
11 side of a wall adjacent to a surrounding portion of the cabin, or located externally
12 to the male lavatory facility and female lavatory facility. Lanning shows two
13 lavatories, each that have a commode and a sink situated *within* the walls of a
14 lavatory. In other words, to access either of the sinks shown by Lanning, a person
15 would have to be inside one of the two lavatories; the sink is not adjacent to a
16 surrounding portion of the cabin, or external to either lavatory facility. Lanning
17 fails to teach or suggest all of the elements recited in independent claims 1, 5, and
18 13, thus, Lanning does not anticipate claims 1, 5, and 13.

19 In addition, applicants wish to respond to the additional reference cited in
20 the Advisory Action. Specifically, the Advisory Action specifies:

21 “Proposed amendments to claim 1 would require further
22 consideration, specifically bringing into play the Schwertfeger et al.
23 patent (US 5,474,260), which depicts a sink 14D mounted on a wall
24 and adjacent a cabin space 13A.”

25 Respectfully, applicants submit that the claims are allowable over this reference.

U.S. Patent No. 5,474,260 to Schwertfeger et al. (hereinafter, "Schwertfeger") discloses an "AIRCRAFT CONSTRUCTION INCLUDING A PASSENGER COMFORT FACILITY." More specifically, as stated by Schwertfeger's summary of the invention, Schwertfeger describes "An aircraft construction according to the invention is characterized in that at least one passenger comfort facility such as a supply facility and/or a service facility and/or a sanitary facility in a service compartment is arranged on the lower deck below the main deck that separates the passenger cabin from the lower deck facilities." (Schwertfeger; Column 2, Lines 3-8.) One of the professed advantages of this construction touted by Schwertfeger is that passengers will enjoy more space *within* each of the individual onboard bathrooms or lavatories:

"[O]nboard galleys or bathrooms, can now be arranged in a more user-friendly manner by taking advantage of the fact that the fuselage wall curves outwardly and upwardly below the main deck and inwardly above the main deck relative to a central vertical plane through the fuselage. This inward curvature of the fuselage wall above the main deck posed a problem heretofore, because standing, for example, in front of a handwash basin facing the inwardly curving wall of the fuselage brought the wall close to the head of the user, sometimes too close."

(Schwertfeger; Column 2, Lines 23-32; emphasis added.) Thus, Schwertfeger is concerned with providing more space *within* onboard bathrooms that contain both a commode and a sink within the bathroom unit.

In citing Schwertfeger, the Advisory Action relies on elements 14D and 13A, which the Advisory Action asserts "depicts a sink 14D mounted on a wall and adjacent a cabin space 13A." Respectfully, applicants submit that Schwertfeger does not show or depict such an arrangement. Applicants submit that Schwertfeger fails to disclose sinks or basins "mounted to an external side of the separator" as recited by claim 1 as amended for at least four reasons.

1 First, Schwertfeger nowhere mentions in the text of its disclosure that its
2 handwash basins would reside anywhere but within the bathroom units. Even
3 though Schwertfeger is directed to constructing an aircraft having a second deck
4 dedicated as a "PASSENGER COMFORT FACILITY," the text does not state or
5 even imply that part of this dedicated space would be used to offer a handwash
6 basin outside of a conventional commode-and-sink bathroom unit. Because the
7 text does not describe disposing a handwash basin outside of a bathroom unit
8 separated from a commode or urinal, applicants submit that reading such a
9 construct into the figures of Schwertfeger is inconsistent with the expressed
10 content of Schwertfeger.

11 Second, not only does the text of Schwertfeger fail to disclose a sink
12 "mounted to an external side of the separator . . . adjacent to a surrounding portion
13 of the cabin," as recited in claim 1, but Schwertfeger's figures and text make clear
14 the sinks are *inside* the bathrooms and next to the commodes. For example,
15 Figure 5 of Schwertfeger shows a section of a "PASSENGER COMFORT
16 FACILITY" that includes a plurality of bathroom units. For the sake of
17 comparison, applicants note that Schwertfeger collectively describes bathroom
18 units as "toilets." Each of the toilets includes a commode or, what Schwertfeger
19 terms a "toilet bowl," and a sink, which Schwertfeger calls a "handwash basin."
20 For clarity, applicants will use the terms "toilet," "toilet bowl," and "handwash
21 basis" in further discussion of Schwertfeger.

22 Each of Schwertfeger's toilets is a conventional, undivided aircraft
23 bathroom unit. Figure 5 clearly shows that each toilet includes a handwash basin,
24 immediately adjacent to a toilet bowl, in a space separated from the rest of the
25 cabin by a door. In Figure 5, each of the handwash basins is mounted adjacent to

1 the wall of the aircraft, with the toilet bowl between the door to the toilet and the
2 handwash basin. Figure 5 makes plain that Schwertfeger contemplates having the
3 sinks inside the toilets and immediately adjacent to the toilet bowls, with no
4 separation between the two fixtures.

5 Similarly, Figure 6 makes it even more clear that Schwertfeger places its
6 handwash basins inside the toilets. Figure 6 is a sectional view taken “through one
7 of the toilets shown in Figure 5.” (Schwertfeger, Column 4, Lines 62-63.) In that
8 view from inside the toilet, both the handwash basin 39 and the toilet bowl 38 are
9 shown – inside the toilet, directly adjacent to one another, without any separator
10 between the fixtures. Thus, the sink and toilet bowl each reside inside
11 Schwertfeger’s bathrooms.

12 Further still, in describing Figure 3, Schwertfeger collectively designates its
13 bathrooms or “toilets” with reference numeral 14. (*See* Schwertfeger, Column 3,
14 Lines 34-53.) In Figure 3, reference numeral 14 is associated with a reference line
15 attached to the center of each of the bathrooms. Schwertfeger then designates
16 toilet bowls with reference numerals 14A or 14B, and handwash basins with
17 reference numerals 14C and 14D. The literal reading of the reference numerals
18 thus corroborates that both the toilet bowls 14A and 14B and the handwash basis
19 14C and 14D are constituent parts of the toilets 14, and, thus, are inside of the
20 toilets or bathrooms disclosed by Schwertfeger.

21 Third, for sake of complete discussion, even applying the most expansive,
22 hypothetical interpretation possible, it is clear that the handwash basins
23 contemplated by Schwertfeger still reside within the toilets next to the toilet
24 bowls. Referring to Figure 3 of Schwertfeger, in the toilet 14 located closest to the
25 bottom of the page, one could argue that the oval representing handwash basin

1 14D includes a distal curve that almost seems to extend beyond the toilet 14.
2 However, closer inspection of Figure 3 makes plain that this is not a reasonable
3 interpretation of the figure, for at least three reasons.

4 First, the handwash basin still carries the reference numeral 14D, which
5 connotes that the handwash basin 14D is a part of the bathroom or toilet
6 collectively designated with reference numeral 14. Second, dots within the oval
7 representing the handwash basin represent the faucets. Applicants submit that all
8 of the other handwash basins depicted in Figures 3 and 5 have the representative
9 dots on the far side of the sink from where the user would have to stand while
10 using the basin. For example, in the toilets 14 against the wall of the aircraft in
11 Figure 3 and in Figure 5, the dots all are on the side of the handwash basin closest
12 to the wall of the aircraft, necessarily opposite where the user would stand. In the
13 toilet 14 of Figure 3 closest to the bottom of the page, the dots representing the
14 faucets in the handwash basin 14D are on the side of oval away from the inside of
15 the toilet 14. Thus, the handwash basin 14D is positioned facing the inside of
16 toilet 14 and must be inside the toilet 14. Third, the toilet 14 closest to the bottom
17 of the page in Figure 3 cannot have a handwash basin 14D on the outside of the
18 toilet 14 because the handwash basin would be blocked by supply carts 18,
19 including supply carts C7-C12. As shown in Figure 4, which is a sectional view
20 along line IV of Figure 3, the supply carts 18 extend to the ceiling of that
21 compartment. If the handwash basin 14D could somehow be thought to be on the
22 outside of the toilet 14 closest to the bottom of the page of Figure 3, such a
23 handwash basin it could never be reached behind the supply carts 18. Thus, the
24 handwash basins all are shown to be inside each of the toilets, not "mounted to an
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external side of the separator . . . adjacent to a surrounding portion of the cabin,” as recited in claim 1.

In sum, the cited reference fails to show a sink “mounted to an external side of the separator . . . adjacent to a surrounding portion of the cabin,” and thus cannot anticipate claim 1 or any of the other pending claims.

Claim 5 has been amended to recite “at least one sink is mounted to an external side of a separator separating at least one of the male lavatory facility and the female lavatory facility from a remainder of the cabin and the external side of the separator is adjacent to a surrounding portion of the cabin.” Claim 13 recites “at least one sink located externally to the male lavatory facility and the female lavatory facility.” Because Schwertfeger discloses no such structures, claims 5 and 13 also are patentable over the reference cited.

Claims 3, 8-11, and 36 depend from and apply additional limitations to the respective claims from which each depends. Accordingly, claims 3, 8-11, and 36 are patentable for at least the same reasons as the claims from which they depend. Accordingly, applicants respectfully request entry of the amendments, withdrawal of the rejections under 35 U.S.C. § 102(b), and that the claims be allowed over the reference to Schwertfeger named in the Advisory Action.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 10 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious in light of Lanning. As previously stated, claims 10 and 36 depend from and apply additional limitations to patentable claims, and should be allowed for at least this reason.

1 In addition, applicants respectfully assert that the Office Action has failed
2 to set forth a *prima facie* case of obviousness with regard to claims 10 and 36.
3 The Patent Office bears the burden of establishing a case of *prima facie*
4 obviousness." *In re Bell*, 991 F.2d 781, 783 (Fed. Cir. 1993). Respectfully, the
5 Office Action fails to distinctly point out how Lanning discloses that "the female
6 lavatory facility further includes at least one sink separated from the at least one
7 stall unit by the first separator" as recited by claim 10, or how Lanning discloses
8 "a two colored lighted panel positioned adjacent to the locking dial, wherein when
9 the locking dial is in a first position the panel illuminates a first color and when the
10 dial is in a second position the panel illuminates a second color which is different
11 than the first color." Thus, with regard to these dependent claims, applicants
12 submit the Office Action has failed to set forth a *prima facie* case of obviousness,
13 and the rejections under 35 U.S.C. § 103(a) should be withdrawn.
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